



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

August 17, 2012

CERTIFIED MAIL: 7008 1140 0002 2717 4510
RETURN RECEIPT REQUESTED

Mr. John Yates, County Manager
110 North Street
Wilkesboro, North Carolina 28697

CERTIFIED MAIL: 7008 1140 0002 2717 4527
RETURN RECEIPT REQUESTED

Mr. Kent Brandon, Solid Waste Director
Post Office Box 389
Roaring River, North Carolina 28669

SUBJECT: Notice of Violation
Compliance Inspection Report
Roaring River Municipal Solid Waste Landfill Facility
Permit #: 97-04
Wilkes County

Dear Sirs:

On August 15, 2012, I, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. Phil Greene, Landfill Supervisor and Kent Brandon, Solid Waste Director were present and represented the Roaring River Municipal Solid Waste Landfill Facility during this inspection. The following violations were noted:

- A. 15A North Carolina Administrative Code 13B .1626(2)(a) states:** *Except as provided in Sub-item (b) of this Item, the owner or operators of all MSWLF units must cover disposed waste with six inches of earthen material at the end of each operating day or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.*

During the inspection, insufficient cover was observed over a large portion of the active landfill cell leaving waste exposed. Waste was not adequately covered at the end of the previous operating day, nor in areas where operations had not occurred within the previous week. Therefore, Wilkes County is in violation of 15A NCAC Administrative Code 13B .1626(2)(a).

- B. 15A North Carolina Administrative Code 13B .1626(1)(a) states in part: *A MSWLF shall only accept those solid wastes which it is permitted to receive.***

During the inspection, four whole, scrap tires were observed within the landfill south of the current working face where previous attempts to cover waste had occurred. Whole, scrap tires are prohibited from disposal within landfills per G.S. 130A-309.10(f)(7). Therefore, Wilkes County is in violation of 15A NCAC 13B .1626(1)(a).

- C. 15A North Carolina Administrative Code 13B .1626(8)(b) states: *Surface water shall not be impounded over or in waste.***

During the inspection multiple areas of ponding were observed on the landfill. An area of most significance was observed southwest of the current working face which was impounded over exposed waste. Therefore, Wilkes County is in violation of 15A NCAC 13B .1626(8)(b).

COMPLIANCE SCHEDULE

Based upon the foregoing, within **10 days** of receipt of this Notice of Violation, Wilkes County shall come into compliance with all requirements of the regulations in 15A NCAC 13B .1626(2)(a), .1626(1)(a), and .1626(8)(b) by completing the following:

1. Cover all exposed waste with a minimum of 6-inches of earthen material.
2. All scrap tires must be removed from the landfill to the designated tire collection area detailed in the approved Operations Plan for the facility.
3. All areas of impounded surface water must be repaired to prevent future impounding of water over or in waste.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at (704) 235-2144 or charles.gerstel@ncdenr.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles T. Gerstell".

Charles T. Gerstell
Environmental Senior Specialist
Solid Waste Section

Enclosure: Facility Compliance Inspection Report

Cc: Mark Poindexter, Field Operations Branch Head
Jason Watkins, Western District Supervisor
Jessica Montie, Compliance Officer